

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 15, 2002

Regulation Package 0601-13

CDSS MANUAL LETTER NO. SP-02-02

TO: HOLDERS OF THE SPECIALIZED PROGRAMS MANUAL, DIVISION 69

Regulation Package #0601-13**Effective 7/3/02****Sections 69-203, 69-204, 69-205, 69-207 and 69-301**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Specialize_621.htm.

These regulations were adopted on July 3, 2002 and were considered at the Department's public hearings held on March 12 and 13, 2002.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Specialized Programs Manual regulation changes was SP-02-01.

Page(s)21 and 22
23 and 25
35 and 36**Replace(s)**Pages 21 and 22
Pages 23 and 25
Pages 35 and 36

Attachments

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69-203	RESETTLEMENT AGENCY, SPONSOR AND COUNTY RESPONSIBILITIES	69-203
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.1 Resettlement Agency and Sponsor Responsibilities

Most of the refugees who reach a community will have been resettled by one of the national voluntary agencies (VOLAG) working with the Federal Government and will have a local sponsor. In resettling a refugee, the VOLAG and the sponsor undertake certain responsibilities as a moral commitment. These responsibilities include receiving the refugee and his/her family, providing shelter and food; providing clothing and pocket money; providing assistance in finding employment and in enrolling children in school; and covering medical costs. Once employment is obtained, the sponsor will assist the refugee in locating permanent housing, acquiring minimal furniture, and arranging for utilities. Sponsors are also expected to help the refugees with some of the less tangible aspects of adjustment to a new culture.

.2 County Responsibilities

When a time-eligible refugee applies to a county for financial assistance, the procedures outlined below shall be followed.

.21 The CWD, as part of the process of determining a time-eligible refugee's eligibility for cash assistance shall notify the national headquarters or the local office of the responsible VOLAG and:

.211 Inquire what assistance, if any, the Sponsor or VOLAG is providing for the refugee (See Section 69-206.11 regarding income eligibility determinations for assistance received from VOLAGS); and

.212 Inquire whether the refugee has refused an offer of employment or has voluntarily quit a job.

HANDBOOK BEGINS HERE

.22 A telephone call in the absence of an in-person contact is sufficient to fulfill the requirements specified in Sections 69-203.211 and .212.

.23 A written statement by the sponsor or VOLAG is not required, but is preferred.

.24 Information received by means of an in-person contact, telephone call, or written statement shall be made part of the case record, and shall include the name of the VOLAG.

HANDBOOK ENDS HERE

69-203	RESETTLEMENT AGENCY, SPONSOR AND COUNTY RESPONSIBILITIES (Continued)	69-203
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- .25 When a VOLAG or sponsor requests the address and telephone number for a time-eligible refugee, the CWD shall provide this information to the VOLAG or sponsor.
- .26 If the refugee refuses to provide information regarding his/her sponsor or VOLAG, the CWD shall deny or discontinue aid.
- .27 Where there is an emergency need for financial assistance, or the VOLAG fails to respond in a timely manner, the requirements in .21 and .22 above shall be temporarily waived in order to meet the emergency or case approval needs.
- .28 Some applications for cash assistance may be made when the sponsor is unable or unwilling to meet the total needs of the refugee(s) for whom he/she has accepted responsibility. When this occurs, aid is to be granted in an amount sufficient to meet the unmet needs as determined by the CalWORKs standard.
- .29 If, following the loss of contact with a sponsor and subsequent to the granting of aid to the refugee, the resettlement agency secures a new sponsor for the refugee who accepts the responsibilities of sponsorship, and meets the needs of the refugee(s) in full, in accordance with the CalWORKs standard of assistance, cash assistance shall be terminated. Only if the subsequent sponsor fails to meet the full needs of the refugee will the county again grant cash assistance to the refugee.

.3 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554; Welfare and Institutions Code, and 45 CFR 400.66.

69-204	ELIGIBILITY FOR SSI/SSP AND CALWORKS PROGRAMS	69-204
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.1 SSI/SSP

Aged, blind or disabled refugee applicants for assistance shall be referred to the appropriate Social Security Administration District Office to apply for SSI/SSP. This program is a primary resource for refugees who meet the eligibility requirements. Application for and receipt of SSI/SSP is mandatory, if determined eligible.

.2 CalWORKs

Refugees who qualify for assistance under the CalWORKs program shall be aided under the CalWORKs program. Those who do not qualify for CalWORKs shall have their eligibility determined for RCA per Section 69-205. The refugee has no option as to program preference.

.3 Reserved

.4 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

.41 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

.411 Repealed by Manual Letter No. SP-96-01, effective 6/27/96.

.42 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

.43 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

.44 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 400.

69-205	ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA)	69-205
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.1 RCA Eligibility Factors

.11 Requirements of categorical relatedness applicable to the CalWORKs program are waived for assistance under RCA (see Section 69-202.41) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (Section 69-205.24); refugee status (Section 69-202.1); income and resources (Section 69-206); attendance in an institution of higher education (Section 69-205.4); and registration, employment and employment-directed educational/training requirements (Section 69-207). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

69-205	ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA) (Continued)	69-205
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.2 Eligibility Determination

AFDC program forms shall be used for eligibility determination, unless alternate forms are approved by DSS for use by the CWD.

.21 The eligibility of each RCA applicant shall be determined as promptly as possible within no more than 30 days from the date of application.

.211 The date of application is the date to use for the beginning date of RCA.

.22 Counties shall not deny RCA applicants cash assistance based on the applicant's refusal to disclose his/her social security number.

.221 Counties may request that an RCA applicant voluntarily provide his/her social security number. If a county selects to make this request, it must:

(a) Inform the applicant the disclosure is voluntary; and

(b) Tell the applicant how the county will use the number.

.23 CWDs shall make available to RCA applicants the written policies of the RCA program, including agency policies regarding eligibility standards, the duration and amount of cash assistance payments, the requirements for participation in services, the penalties for non-cooperation, and client rights and responsibilities to ensure that refugees understand what they are eligible for, what is expected of them, and what protections are available to them. The CWD shall ensure that agency policy materials and all notices required are made available in written form in English and in appropriate languages where a significant number or proportion of the recipient population needs information in a particular language. For refugee groups that make up only a small number of the recipient population, CWDs, at a minimum, shall use an alternative method, such as verbal translation in the refugee's native language, to ensure that the content of the policies is effectively communicated to each refugee.

.24 Time-Eligibility

.241 Eligibility for RCA is limited to the number of months required in Section 69-202.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the INS Form I-94, is counted as the first month. Time-eligibility exceptions to this provision include asylees who are eligible for RCA beginning on the date they are granted asylum and unaccompanied refugee minors (Section 69-213) who are not subject to the time-eligibility limitation.

69-207	REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS (Continued)	69-207
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- h. A person whose presence in the home is required on a substantially continuous basis because of the physical or mental impairment of another member in the household, when verified by a physician's written statement.
- i. The parent or other caretaker relative of a child under six months of age who is personally providing full-time care for the child with only very brief and infrequent absences from the child. Only one parent or other relative in a case may be exempt.
- j. A person who is working more than 32 hours a week in unsubsidized employment which is expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment which is expected to last no longer than 10 workdays.
- k. A woman who is pregnant and provides medical verification that the pregnancy impairs her ability to be regularly employed or participate in employment/training related activities. An exemption based on a medically-verified pregnancy may also be granted when the CWD determines that participation will not readily lead to employment or that a training activity is not appropriate.

.4 Reserved

.5 Renumbered to Section 69-208.1 by SDSS Manual Letter No. SP-90-01, effective 4/2/90.

NOTE: Authority cited: Section 10554, Welfare and Institutions Code. Reference: 45 CFR 400.75, .76, .76(a)(7) and (a)(9), .77, and .78; and 45 CFR 400.80(a)(1), (b) and (c).

69-208	CAUSE DETERMINATIONS	69-208
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.1 General

If a recipient fails or refuses to participate/cooperate in the RCA program as required, the CWD shall make a cause determination.

.2 Conditions Under Which Cause Determination Shall Be Made

Using the criteria found in Section 69-208.3, the CWD shall make a cause determination within 10 working days of learning or being advised that the nonexempt refugee who is an RCA applicant or recipient has:

- .21 Failed or refused to register or participate with a CDSS-funded or CWD approved or referred employment-directed program as required; or

69-208	CAUSE DETERMINATIONS (Continued)	69-208
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- .22 Failed or refused to register or to maintain registration with EDD as required; or
- .23 Failed or refused to meet the requirements contained in Section 69-207.11; or
- .24 Failed or refused to comply with the requirements contained in Sections 69-207.12, 69-207.16 and 69-208.17; or
- .25 Failed or refused to comply with the requirements contained in Section 69-207.322.

.3 Factors That Must Be Considered in Cause Determinations

The CWD must include the following determinations, as appropriate, in considering whether good cause exists for failure or refusal to meet or comply with requirements regarding registration, employment, and employment-directed education/training.

- .31 There must be a determination that a bona fide offer of employment or employment-directed education/training was made to the individual. A bona fide offer of employment or employment-directed education/ training may originate from any source, approved or referred by the CWD (including CDSS-funded program) or the responsible agency for the initial resettlement of the refugee and may be temporary, permanent, full-time, part-time, or seasonal work.
- .32 There must be a determination that the individual:
 - .321 Failed or refused to register or participate with a CWD approved or referred employment-directed program or the initial responsible resettlement agency, or
 - .322 Failed or refused to accept the bona fide offer of employment or employment-directed education/training as planned, or
 - .323 The individual quit or was discharged from employment or employment-directed education/training.
- .33 There must be a determination that EDD either arranged an employer interview for the refugee or requested the refugee to report to EDD.